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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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No. 1771/19 - WEDNESDAY AUGUST 15, 2012

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

L.D.B. 14/2008.

THE MARINE POLLUTION PREVENTION ACT No. 35 OF 2008

REGULATIONS made by the Minister of Environment under paragraph (d) of subsection (2) of Section 51 read with paragraph (g) of Section 6 and Section 39 of Marine Pollution Prevention Act, No. 35 of 2008.

Minister of Environment.

Colombo,
30th July 2012.

Regulations

1. These regulations may be cited as the Oil Spill Contingency Plan Regulations No. 01 of 2012.

2. These regulations shall apply to every owner, operator, master or their agents or any other person in charge of ports, harbour terminals, repair yards of ships, dry docks, offshore installations, Pipe lines or any other apparatus used for transferring of oil to and from ships in territorial waters of Sri Lanka and any Maritime Zone declared under Maritime Zones Law, No. 22 of 1976.

3. Every owner, operator, master or agent of :

- (i) a port, harbour terminal, repair yards of ships or dry docks ; or
- (ii) a pipe line or any other apparatus used for transferring of oil to and from a ship ;
- (iii) an offshore installation utilized for receiving and transferring of oil,

to whom these regulations apply, shall be required to have in possession an Oil Spill Contingency Plan in accordance with the National Oil Spill Contingency Plan prepared and revised from time to time by Marine Environment Protection Authority (hereinafter referred to as the “Authority”) and approved by the Authority.

4. There shall be a separate plan for each port, harbour terminal, repair yard of ships, dry dock, offshore installation, pipe line or any other apparatus used for transferring of oil ::

Provided however, joint plans may be made :

- (i) between Ports, harbour terminals, repair yards of ships or dry docks, within any area determined by the Authority ;
- (ii) in respect of offshore installations and oil handling facilities which contain pipelines associated with such installations or facilities.

5. Every owner, operator, or agent of Port, harbour terminal, repair yard of ships, dry dock, offshore installation, pipe line or any other apparatus used for transferring of oil shall submit an Oil Spill Contingency Plan, to the Authority for its approval in accordance with the provisions of regulation 10.

6. Any person in charge of -

- (i) port, harbour terminal, repair yard of ships, dry docks ;
- (ii) pipe line or any other apparatus and offshore installation utilized for receiving or transferring of oil ; or
- (iii) other apparatus for transferring of oil to and from a ship including drilling or excavation for oil,

which commences to Function after the date of coming into operation of this regulation shall be required to submit an Oil Spill Contingency Plan to the Authority within two months prior to the date of commencement of such function.

7. Every owner, operator or agent of Ports, harbour terminals, repair yards of ships, dry docks, offshore installation, pipe lines or any other apparatus used for transferring of oil -

- (i) shall review its approved Oil Spill Contingency Plan not later than two years or as and when directed by the Authority ;
- (ii) shall submit a new plan or amendments to the existing plan within two months from the date where any major change occurs which effects or may effect the validity or the effectiveness of the existing plan.

8. Where the Authority is of the opinion that any plan or amendment submitted under paragraph 5, 6 or 7 is -

- (i) not in conformity with the National Oil Spill Contingency Plan which is in force for the time being ; or
- (ii) not appropriate for dealing with oil pollution incidents which may occur in the area in which the owner, operator, master or agent of Port, harbour terminal, repair yard of ships, dry dock, offshore installation, pipes line or any other apparatus used for transferring of oil,

the Authority may, in consultation with the owner, operator, or agent of port, harbour terminal, repair yard of ships, dry dock, offshore installation, pipe line or any other apparatus used for transferring of oil, direct the plan to be amended accordingly. It shall be the duty of owner, operator, master or agent to amend the plan in accordance with any such direction.

9. Any officer authorized in writing by the Authority shall inspect the place and conformity equipment referred to in the Plan prior to the approval of the Oil Spill Contingency Plan and satisfy himself regarding the conformity of the plan with the National Oil Spill Contingency Plan and with the guidelines specified in Schedule I hereto.

10. Every applicant seeking the approval of an Oil Spill Contingency Plan shall -

- (a) subject to regulations 6 and 8, submit the application in the form specified in Schedule II together with the Oil Spill Contingency Plan in duplicate in terms of regulation 5 ;

(b) submit -

- (i) any other information required by the Authority to enable the Authority to make its decision regarding the application ; and
- (ii) the receipt for the payment of the application fee specified in Schedule III hereto.

11. (a) Every applicant shall be notified of the decision taken by the Authority, with respect to the Oil Spill Contingency Plan, within twenty days from the date of receipt of the application in terms of regulation 10 of these regulations.

(b) Where the applicant has received a notification of approval, of the Oil Spill Contingency Plan, he shall within fourteen days of the receipt of the notification of such approval of the Oil Spill Contingency Plan shall, pay the fee specified in Schedule III hereto.

(c) On receipt of the fee specified in Schedule III hereto, the Authority shall issue the formal approval in the form specified in Schedule IV hereto to the applicant.

12. Every owner, operator, master or agent of a facility specified in regulation 3 shall -

- (i) make such Oil Spill Contingency Plan available for inspection to any officer authorized by the Authority (hereinafter referred to as the “authorized officer”) ;
- (ii) grant access to the authorized officer to inspect port, harbour terminal, repair yard of ships, dry dock, offshore installation, pipe lines or any other apparatus used for transferring of oil ;
- (iii) maintain the plan and other required apparatus in conformity with the National Oil Spill Contingency Plan.

13. Where an oil spill or oil pollution occurs it shall be the duty of every owner, operator, master or agent of port, harbour terminal, ships, repair yard of ships, dry dock, offshore installation, pipe line or any other apparatus used for transferring of oil, to implement its Oil Spill Contingency Plan approved by the Authority.

14. Any application -

- (a) submitted under regulation 10, if disapproved ; or
- (b) approved under regulation 11, if revoked due to non compliance of the provisions of this regulation, or due to non conformity with National Oil Spill Contingency Plan during the time of inspection in terms of Section 12.

the Authority shall notify the person who has authority over the plan in writing indicating the reasons for such disapproval or revocation and Specify the requirements to be satisfied or complied within in order to be eligible for approved.

15. The person who has authority over the plan shall, within thirty days from the date of receipt of the notification submit a new or revised plan incorporating the recommended amendments, during which period the existing plan subject to amendments shall be deemed to be effective pending final approval :

Provided however in the event of submission of a new application due to revocation, applicant may be required to pay the fee specified in Schedule III as decided by the Authority.

16. No port, harbour terminal, repair yards of ships, dry docks, offshore installation, pipe lines or any other apparatus used for transferring of oil, shall operate in territorial waters of Sri Lanka and other Maritime Zones declared under Maritime Zones Law, No. 22 of 1976, if it fails to gain approval of its Contingency Plan after the submission of the Plan for approval for the second time.

17. The person who has the authority over the Plan, may appeal to the Secretary to the Ministry of the Minister in charge of the subject of Environment against the decision made by the Authority in relation to the Contingency Plan, in accordance with the following provisions -

- (1) the holder of the Plan may submit a written appeal within fifteen days from the date of receipt of the disapproval or revocation of approval giving reasons for reconsideration and if available, provide evidence to rebut decision made pertaining to the Plan ;
- (2) the Secretary after taking into consideration the facts given in accordance with Paragraph (1) of this regulation may rescind the decision of the Authority and approve the Plan or confirm the decision.

18. (1) The person responsible for implementing Oil Spill Contingency Plan shall record the details of every oil spill and shall maintain the records for two years from the date of the spill and during that period shall make the records available for inspection upon the request of an officer of the Authority, authorized in writing by the Authority in that behalf.

(2) The record shall consist of the following -

- (a) the date, time, location and duration of the release of the pollutant ;
- (b) the identity of the pollutant released ;
- (c) the quantity of the pollutant released ;
- (d) the circumstances and cause of the spill ;
- (e) details of the containment and clean-up efforts ;
- (f) an assessment of the success of the containment and clean-up efforts ;
- (g) any adverse effects observed as a result of the spill.

19. Unless the context otherwise requires -

“National Oil Spill Contingency Plan” means the National Oil Pollution Contingency Plan for oil pollution incident prepared and revised from time to time by the Marine Environment Protection Authority pursuant to Paragraph (g) of Section 6 of the Marine Pollution Prevention Act, No. 35 of 2008 ;

“Oil Handling Facility” means a facility which presents a risk of an oil pollution incident and includes, inter alia, an oil terminal, pipeline and any other facility utilized for handling oil but does not include an offshore installation ;

“Oil Spill Contingency Plan” means a contingency plan (other than the National Oil Spill Contingency Plan) setting out arrangements for responding to incidents which cause or may cause marine pollution by oil, with a view to preventing such pollution or reducing or minimizing its effect ;

“Oil Pollution Incident” means an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil and which poses or may pose a threat to the marine environment, or to the coastline or related interests of Sri Lanka and which requires emergency action or other immediate response.

(Regulation 9)

SCHEDULE I

MARINE POLLUTION PREVENTION ACT, NO. 35 OF 2008

GUIDELINES FOR OIL SPILL CONTINGENCY PLAN

1. Each Oil Spill Contingency Plan (hereinafter referred to as “OSCP”) shall contain the following three main sections

(a) Strategy Section ;

(b) Action Section ;

(c) Data Section.

2. Each OSCP shall contain essential detailed information on -

(a) Details of the responsible Authority and boundary of the plans operation ;

(b) Identification of the risks of a oil spill (Evidence of adequate risk assessment) ;

(c) Details of local environmental sensitivity (Sensitive areas, identification and prioritization) of sensitive areas;

(d) Pre-agreed response strategies ;

(e) Out line of the Response organization and details of responsibilities ;

(f) The exercise, training programme and review procedures for the plan ;

(g) Notification procedures ;

(h) Communication plans-both internal and external ;

(i) Procedure for mobilizing people and equipment ;

(j) Financial management, including control and tracking of costs ;

(k) Response capability listing (personnel and equipment) ;

(l) A disposal plan (arrangement for treatment and disposal of oily debris) ;

(m) Procedure for terminating the clean-up response ;

(n) A system for updating and revision.

3. The OSCP shall comply with all the following requirements :

(a) Each plan shall identify the delegated powers and responsibilities of all those involved in oil spill incident response -

(i) Notification exercise - Once in every six months ;

(ii) Table top exercise- Once in every year ;

(iii) Equipment deployment exercise - Once in every two years.

(b) Each plan shall be regularly updated and reviewed at least every two years, or earlier if circumstances or Authority demands. After every oil spill incident or exercise, such plan shall be reviewed.

(c) OSCP must be clear, concise, simple and easy to use, and understood by the people expected to use them.

(d) Every OSCP shall be submitted to Marine Environment Protection Authority (hereinafter referred to as "MEPA") and approval shall be given by the MEPA. If any amendments are made subsequently such amendments shall be notified in full to MEPA within one week of the making of such amendments.

(e) Where MEPA refuses to approve the OSCP the relevant institution shall take immediate steps to amend OSCP within thirty days of the refusal of approval by the MEPA and resubmit for approval of MEPA.

(f) MEPA shall communicate with concerned agencies regarding submissions of amendments to OSCP within ten working days of the receipt of document by the MEPA.

(Regulation 10)

SCHEDULE II

MARINE POLLUTION PREVENTION ACT, No. 35 of 2008

APPLICATION FORM FOR APPROVAL AND PAYMENT FOR OIL SPILL CONTINGENCY PLAN

1. Information of the Applicant

1.1 Name of Agency

1.2 Address

1.3 Contact details

Tele :	Fax :	E mail :
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1.4 Contact Person

Name :	Designation :
Tele :	Fax :
E mail :	

2. Facility / Site requiring Approval for Oil Spill Contingency Plan

2.1 Name of facility or Site

2.2 Address

3. Payments

3.1 Purpose

1. Application fee	
2. Approval fee	
3. Payment renewal fee -	
(a) without revision	
(b) with revision	
Method of Payment : Cheque/Bank Draft	

Chairman/MEPA

..... the undersigned on behalf of (Company name) submit the following herewith -

- (1) Two copies of Oil Spill Contingency plans of
- (2) Payment by Cheque/Bank Draft as stipulated in 3 above
- (3) List of combat equipment owned by the company
- (4) Memorandum of Understandings (MOUs) signed between -

(a)
(b)
(c)

Having carefully studied the content of the terms and conditions of Oil Spill Contingency Plan of MEPA, I certify that I agree to abide by the requirements of the terms and conditions. I also certify that above data supplied by me is complete, true and accurate.

..... Date	 Signature of Applicant	 Signature of Applicant
	 Name of Applicant	 Name of Applicant

(Company Seal)

Office use only

1. Amount Paid :
2. General Receipt No. :
3. License No. :
4. Date of issue / Renewal of License :
5. Observations / Remarks :

(Regulation 11)

SCHEDULE III

MARINE POLLUTION PREVENTION ACT, No. 35 of 2008

FEES CHARGEABLE FROM THE APPLICANT

Fees

Application Fee	Rs. 1,000.00
OSCP Approval Fee	Rs. 50,000.00
OSCP Renewal Fee (without Revision)	Rs. 40,000.00
OSCP Renewal Fee (with Revision)	Rs. 50,000.00

(Regulation 11)

SCHEDULE IV

MARINE POLLUTION PREVENTION ACT, No. 35 of 2008

APPROVAL OF OIL SPILL CONTINGENCY PLAN

Pursuant to the Oil Spill Contingency Plan Regulation No. _____ of 2012, I hereby approve the Oil Spill Contingency Plan submitted byfor
.....subject to terms and conditions listed below.

This approval shall be in force from tounless otherwise cancelled or suspended by this Authority prior to the date of expiry.

Chairman /Authorized Officer,
Marine Environment Protection Authority.

Date :

TERMS AND CONDITIONS

1. This Oil Spill Contingency Plan Approval is not transferable.
2. It shall be lawful for the Marine Environment Protection Authority to suspend or cancel the Approval, if it is satisfied that -
 - (a) the functions and duties connected with the Oil Spill Contingency Plan are not carried out sufficiently ; or
 - (b) the provisions of the Oil Spill Contingency Regulation No..... of 2012 are not complied with.

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